

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WIKIMEDIA FOUNDATION, *et al.*,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY, *et al.*,

Defendants.

Civil Action No.
1:15-cv-00662-TSE

UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendants hereby move for a three-week extension of time, until August 6, 2015, to file their response to Plaintiffs' Amended Complaint, ECF No. 72. Corresponding to such an extension, Defendants also ask that the briefing schedule be extended by three weeks, and that the hearing currently scheduled for September 6, 2015, be continued until briefing on Defendants' motion to dismiss is completed. Consistent with Plaintiffs' request, as explained below, Defendants ask that the hearing on their forthcoming motion be scheduled for a date as close to the completion of briefing as the Court's schedule will allow. For the reasons stated below, the Defendants respectfully request that their extension motion be granted.

1. After Defendants moved to dismiss the Plaintiffs' Complaint, ECF No. 1, on May 29, 2015, *see* ECF No. 66, the Plaintiffs indicated that they would be filing an amended complaint rather than responding to the Defendants' motion.

2. The parties jointly moved for a briefing schedule for the amended complaint, pursuant to which the Plaintiffs would file their amended complaint on June 19, 2015, and Defendants would file their motion to dismiss by July 16, 2015. *See* ECF No. 67. The Court entered that proposed briefing schedule via an Order on June 12, 2015. *See* ECF No. 68.

3. Shortly after the parties jointly filed the stipulated briefing schedule, however, one of the counsel for Defendants suffered a detached retina in his left eye that required eye surgery the next day. He is still unable to see out of that eye and must wear an eye patch in order to work, likely for the next several months.

4. Counsel returned to the office for two days, but then experienced some complications; thus, at his doctor's recommendation, he is working only part time from home in order to minimize the risk of further eye surgery. This may continue for some time.

5. Counsel also has a minor procedure on his other eye scheduled for Monday, June 29 to prevent a detached retina occurring in that eye.

6. Additionally, as noted in the parties' joint motion to set the present briefing schedule, other counsel for the Government have previously scheduled, pre-paid travel plans to be overseas during portions of June and July. The additional medical circumstance described above has made it even more difficult for Defendants to prepare their motion in accordance with the current deadline.

7. Finally, the volume and complexity of the amendment to the complaint necessitate the Defendants' extension request. Whereas the original complaint had been 38 pages in length, the amended complaint is fifty percent longer at 60 pages. Defendants seek this additional time so that they may address the extensive new allegations in the Complaint, including by consulting with an appropriate expert witness or witnesses.

8. Pursuant to Local Rule 105.9, undersigned counsel for the Defendants conferred with Plaintiffs' counsel, and was advised that Plaintiffs do not object to the requested extension. Plaintiffs also requested, and Defendants concur, that, based on Plaintiffs' lead counsel's planned

paternity leave, the argument on Defendants' forthcoming motion be scheduled as close to the completion of briefing as the Court's schedule will allow.

For the foregoing reasons, the Defendants respectfully request a three-week extension of time for their motion to dismiss, and ask that the Court grant the following briefing schedule and set a hearing date on the motion as close to the completion of briefing as the Court's schedule will allow:

1. Defendants' renewed Rule 12(b)(1) motion to dismiss must be filed by Thursday, August 6, 2015. (50 pages)
2. Plaintiffs' opposition to Defendants' Rule 12(b)(1) motion to dismiss must be filed by Thursday, September 3, 2015. (50 pages)
3. Defendants' reply to Plaintiffs' opposition must be filed by Thursday, September 17, 2015. (25 pages)

Dated: June 27, 2015

Respectfully submitted,

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